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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Czech Republic, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: English]

Note verbale dated 27 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of the Czech Republic to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Czech Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to submit to it herewith the report requested in paragraph 6 of the resolution (see enclosure).

Enclosure

Report by the Czech Republic to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)

The Czech Republic welcomes the adoption of UN Security Council Resolution 1373 (2001) on threats to the international peace and security caused by terrorist acts. The resolution significantly strengthens the international legal system in its ability to suppress terrorism. The Security Council confirmed the key role that the UN should play in this fight as the only universal global organisation. The Czech Republic supports the creation of the international coalition against terrorism and the role of the UN in this context.

The Czech Republic is determined to meet this challenge and contribute to the eradication of this evil that represents a threat to the entire international community. Accordingly, the Czech Republic is devoting special attention to the fight against international terrorism and has initiated a range of specific measures in this area.

The Czech Republic aligned itself with the European Conference declaration of 20 October 2001, which binds it to the implementation of the measures of the plan of action to combat terrorism approved by the European Council at its extraordinary meeting on 21 September 2001. The Czech Republic is fulfilling this obligation by the formulation of the **National Action Plan of the Czech Republic to Combat Terrorism**, which will set out the tasks and co-ordination roles of the individual departments in this area.

1. The Security Council decides that all States shall:

(a) Prevent and suppress the financing of terrorist acts.

For the purpose of fulfilling these tasks arising from resolution 1373 (2001) close co-operation has been established between the bodies active in criminal proceedings with the Ministry of Finance, the Customs Office, the Intelligence Services and the Czech National Bank. The legislative arrangement for this area and the specific measures adopted are given in points 1. b-d, 3.d.

(b) Criminalize the wilful provision or collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts.

In the Criminal Code of the Czech Republic (Act No. 140/1961 Col., of the Criminal Code) the crime of financing terrorist acts is not specifically defined. An attempt to commit, or participation in the form of organisation, instruction and assistance in the below mentioned criminal acts is generally punishable, their preparation is only punishable on the condition that it is leading to the execution of a particularly serious criminal act. The action of an accomplice is punishable in the same way as the action of a direct offender. When prosecuting it is possible to proceed on the basis of the following crimes defined by law:

- The crime of terror (Section 93 of the Criminal Code – deliberate or attempted killing with the objective of damaging the constitutional order of the Republic and Section 93a of the Criminal Code – the seizure of hostages with the aim of exacting the fulfilment of conditions damaging to the constitutional order of the Czech Republic) – punishment of imprisonment for 12 to 15 years or an exceptional punishment (which refers to a punishment of between 15 and 25 years or the exceptional punishment of life imprisonment) – for basic facts of the case 3-10 years, for qualified facts of the case 5 - 12 years, 10 – 15 years or an exceptional punishment.
- The crime of sabotage (Sections 95 and 96 of the Criminal Code), the punishment of imprisonment for 3-10 years for basic facts of the case and 12-15 years or an exceptional punishment for qualified facts of the case.
- The crime of general endangerment (Section 179 of the Criminal Code), in the case of terrorist attacks is subject to the strictest sentence of 12-15 years or an exceptional punishment.

- The crime of endangering the safety of civil aircraft and vessels (Section 180a of the Criminal Code) – 8 to15 years for basic facts of the case – 12 to 15 years for qualified facts of the case.
- The crime of hijacking an aircraft and forcing it to a different country (Section 180c of the Criminal Code) – 3-10 years for basic facts of the case, 10 – 15 years or an exceptional punishment for qualified facts of the case.
- The crime of illegal arming (Section 185 of the Criminal Code), in its strictest form 1-5 years.
- The crime of the development, production and possession of forbidden arms (Section 185a of the Criminal Code), 1-5 years.
- The crime of the illegal production and possession of radioactive material and other highly hazardous substances (Section 186 of the Criminal Code), according to the seriousness the applicable punishment is imprisonment for 1-5 years, 2-10 years, 8-15 years.
- The crime of extortion (Section 235 of the Criminal Code), in its most severe form 5-12 years.
- The crime of abduction (Section 216 of the Criminal Code) in its most severe form 3-10 years.
- The crime of seizing a hostage (Section 234a of the Criminal Code), according to seriousness the punishment is imprisonment for 2-8 years, 3 – 10 years or 10 – 15 years.
- The crime of murder (Section 219 of the Criminal Code), 10 – 15 years, 12 – 15 years or an exceptional punishment.

According to Section 2 of the Act No. 283/1991 Col., on the Police Force of the Czech Republic (the Police Act), in the wording of later regulations, the "fight against terrorism" falls within the competence of the Police Force of the Czech Republic.

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities.

The freezing of funds in the context of the fight against terrorism can be implemented:

1. By proceeding in accordance with sanction legislation

The freezing of funds on the basis of international obligations can be implemented in the Czech Republic according to Act No. 48/2000 Col., on Measures in Relation to the Afghan Taliban Movement and Act No. 98/2000 Col., on the Implementation of International Sanctions for the Maintenance of International Peace and Security.

In accordance with Act No. 48/2000 Col. the Czech Government issued Decree No. 164/2000 Col., on Measures in Relation to the Afghan Taliban Movement, which implements the obligations arising from Security Council Resolution 1267 (1999) and Decree No. 327/2001 Col., on Further Measures in Relation to the Afghan Taliban Movement, which implements the obligations arising from Security Council Resolution 1333 (2000).

The above mentioned government decrees prohibit all financial operations with all the economic resources of sanctioned individuals located in the Czech Republic, including economic resources originating from assets directly or indirectly owned or controlled by a sanctioned person or an entity that is directly or indirectly owned or controlled by a sanctioned person.

The lists of persons and entities, which are issued by the Sanction Committee of the Security Council appointed by Security Council Resolution 1267 (1999), have been implemented by the above mentioned government decrees. The lists of the Sanction Committee are distributed to the appropriate ministries and the

Czech National Bank, which subsequently informs the financial institutions. The lists are also published on the Ministry of Foreign Affairs web site.

2. By proceeding according to criminal law

It is possible to execute the freezing of economic resources through criminal proceedings, as well as out of court. The freezing of financial assets **in criminal proceedings** is possible according to the diction of the provision of Section 79a of Act No. 141/1961 Col., on Judicial Criminal Proceedings. In the event of the justified suspicion that funds in a specific account are destined for the committing of a criminal offence, or were used in the committing of an offence, or are the gains of criminal activity, then the presiding judge and in preliminary proceedings the state prosecutor, investigator, or police body can rule on the securing of funds in the account. The investigator and police body require the approval of the state prosecutor for this decision. An amendment to the code of criminal procedure with effect from 1 January 2002 also sets out the seizure of funds in the account of other entities that manage the account for another individual (e.g. savings and loans co-operatives), and the seizure of registered securities.

The freezing of assets and funds can also occur **out of court** in connection with an approach according to Act No. 61/1996 Col., on Various Measures against Money Laundering and on the Amendment and Supplementation of Various Acts, which respects the Directive of the Council of the European Communities of 10 June 1991 on Preventing the Use of the Financial System for Money Laundering. On the basis of this Act, a suspension order can be served on the client's bank or financial institution for a maximum of 72 hours. This deadline is provided for the Financial Analysis Department of the Ministry of Finance to investigate the suspicious transactions and for the issuing of notification commencing criminal proceedings.

Based on the available information, no case has yet occurred in the Czech Republic in which the seizure of funds has taken place in relation to terrorist activity and its funding. Similarly, there is no information that the procedure according to Act No. 61/1996 Col. has been instigated in relation to any terrorist group.

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons.

The prohibitions arise, in particular, from sanction legislation, i.e. from Act No. 48/2000 Col., on Measures in Relation to the Afghan Taliban Movement and Act No. 98/2000 Col., on the Implementation of International Sanctions for the Maintenance of International Peace and Security (prohibitions in the areas of trade and services, transport and communications, infrastructure, science and technology, cultural, and sporting contacts).

The prohibition of the specific activities of persons or entities resting in the provision of funds for the purposes of terrorist activities is not explicitly and directly incorporated in the Czech legal order. It is, however, possible to infer it from various provisions of the Civil Code or Commercial Code.

Along with these general arrangements, there are also some specific laws that relate to the special authorisation procedure for the purchase, sale, export and import of certain types of products:

- Act No. 21/1997 Col., **on the Control of the Export and Import of Goods and Technology Subject to International Control Regimes**, which relates to the export and import of equipment, set ups, products, product components, materials, software, chemical and biological substances and viruses, precursors, and also technologies that are specified in Section 2, Paragraph 1, Letter b) of this Act, where the condition must be fulfilled that the goods with regards to its dual use character can be used for both civilian and military purposes. Also considered as controlled substances for the purposes of export and import are hazardous toxic substances, the precursors for chemical weapons and materials, and equipment and technology used in the

nuclear industry. The regulations for the handling of these goods in the Czech Republic are defined in special regulations (e.g. Act No. 287/1993 Col., on the Jurisdiction of the Office for Nuclear Safety, Decree No. 28/1977 Col., on the Registration and Control of Nuclear Materials, Act No. 19/1997 Col., on Certain Measures Relating to the Prohibition of Chemical Weapons and on the Amendment of Act No. 50/1976 Col., on Town Planning and Building Regulations (the Building Code), Act No. 18/1997 Col., on the Peaceful Use of Nuclear Energy and Ionising Radiation (the Atomic Act) and on the Amendment of Certain Acts.

- Act No. 38/1994 Col., **on Foreign Trade with Military Materials** and on the Amendment of Act No. 455/1991 Col., on Business Enterprise (the Business Act) in the wording of later regulations, and Act No. 140/1961 Col. the Criminal Code in the wording of later regulations, which re.ates to the conditions for foreign trade with military material.
- Act No. 288/1995 Col., **on Arms and Ammunition**, which sets out the conditions for acquiring ownership of firearms and ammunition, the registration, holding, carrying, and use of firearms and certain conditions for operating of a firearms and ammunition concession business.
- Act No. 61/1988 Col., **on Mining Activity, Explosives, and on the State Mining Administration,** which sets out the conditions for the undertaking of mining activity and activities undertaken by a mining method, the safety and protection of health during these activities, the safety of operation, the protection of the working environment, for exploration, the production and introduction of explosives, explosive objects and aids onto the market, as well as conditions for dealing with them.
- Act No. 157/1998 Col., **on Chemical Substances and Chemical Preparations** and on the amendment of certain other acts, which sets out the rights and obligations of legal entities and individuals in determining the characteristics and classification of chemical substances and chemical preparations, in their registration, recording, notification, handling, and in their release onto the market.
- Act No. 167/1998 Col., **on Addictive Substances** and on the amendment of certain other acts, which relates in particular to the handling of addictive substances, of preparations containing addictive substances and of certain substances used in the production or processing of addictive substances.

The following legal regulations within the framework of the customs authority jurisdiction also serve to ensure the prevention and suppression of the financing of terrorist activities:

- The provisions of Section 271 of Act No. 13/1993 (the Customs Act) prevent the payment of duty in cash, by legal entities or individuals, for amounts of over 5,000 CZK (aprox. USD 140).
- The provisions of Section 5 of Act No. 61/1996 Col., on Certain Measures against Money Laundering, place an obligation on legal entities and individuals, when entering or leaving the country, to inform the customs authority in writing of the import or export of banknotes and cash in Czech crowns or foreign currencies, travellers cheques or money orders with a total value exceeding 350,000 CZK (aprox. USD 10,000).

2. The Security Council decides also that all States shall:

(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

The basic standards preventing the provision of support to terrorists are the legal standards creating the constitutional order of the Czech Republic, including the implementation of the international agreements by which the Czech Republic is bound.

According to the Criminal Code of the Czech Republic, provisions relating to the following crimes can be utilised in the fight against terrorism:

A. Criminal acts against the foundations of the Republic

- High treason - Section 91 (can only be committed by a citizen of the Czech Republic)
- Subversion of the Republic - Section 92

- Terror - Section 93 (intentional killing, or attempted killing, with the objective of damaging the constitutional order of the Republic)
- Terror - Section 93a (the seizure of a hostage with the aim of using extortion to gain the fulfilment of conditions injurious to the constitutional order of the Republic)
- Sabotage - Section 95 (general endangerment)
- Sabotage - Section 96 (the destruction or damaging of objects)
- Sabotage - Section 97

The object group for these crimes are the interests protecting the foundation of the Republic, the security of the Republic, and the defence of the nation.

B. Other

- General endangerment - Section 179
- Endangering the safety of air transport and civilian planes - Section 180a
- Hijacking of an aircraft to a foreign country - Section 180c
- Damage and endangerment of the operation of generally beneficial equipment and utilities (Section 182):
  - Public telecommunication equipment, the equipment and facilities of the holder of the postal licence or public transport equipment,
  - Protective equipment against the leakage of pollutants,
  - Water and electricity distribution equipment,
  - Public protection equipment against fire, flood or other act of god,
  - Seabed cables,
  - Defence or protection equipment against aerial or other forms of attack and their consequences,
- Hostage taking - Section 234a

Membership in a terrorist group on the assumption of closer connection with organised criminal groups is punishable similarly as participation in a criminal association (Section 163a of the Criminal Code). The fact that a person committed a criminal offence as a member of an organised group, which is characterised by a lower degree of organisation than a criminal association, does not prevent him/her, under the conditions stated in the Criminal Code, from being prosecuted as the perpetrator of a criminal offence committed in favour of a criminal association (Section 88, Paragraph 2 of the Criminal Code).

The prohibition on the supply of weapons to terrorists is set out in the Czech Criminal Code by the following substantive crimes:

- Breach of the regulations on the shipment of controlled goods and technology (concerning the breach of the ban or restrictions on the shipping of controlled goods and technology regulated by the special regulations for their import and export) - Section 124a, b, c.
- Breach of the regulations on foreign trade with military material – foreign trade without authorisation or a license - Section 124d.
- Breach of the regulations on foreign trade with military material – foreign trade using illegitimate authorisation or license - Section 124e.
- Breach of the regulations on foreign trade with military material – the acquiring of authorisation or a licence by extortion - Section 124f.
- Illegal arming - Section 185.
- Development, production and holding of banned weapons - Section 185a.
- Unauthorised production and holding of radioactive material and hazardous substances - Section 186.
- Unauthorised production and holding of intoxicating and psychotropic substances and poisons - Section 187.
- Production, procurement or receipt of an illegal product for the manufacture of intoxicating and psychotropic substances and poisons - Section 188.

The ban on the supply of weapons falls completely within the jurisdiction of Act No. 38/1994 Col., **on Foreign Trade with Military Material** and on the amendment of Act No. 455/1991 Col., on Enterprise Business (the Enterprise Act), in the wording of later regulations, and Act No. 140/1961 Col., the Criminal Code in the wording of later regulations. This Act stipulates that the subject of trade with military material must not be weapons of mass destruction, i.e. nuclear, chemical, or biological weapons. Trade with military material can only be undertaken by a legal entity with its registered address within the territory of the Czech Republic and on the basis of authorisation. Authorisation is issued by the Ministry of Trade and Industry after receiving approval from the Ministry of Foreign Affairs, from the perspective of the foreign political interests of the Czech Republic, the Ministry of Defence and the Ministry of the Interior, from the perspective of the security interests of the Czech Republic, whilst taking into account the trade interests of the Czech Republic.

According to Section 14, Paragraph 1 of Act No. 219/1999 Col., **on the Armed Forces of the Czech Republic**, the Army can be used:

- to eliminate an impending threat using military equipment (e.g. the use of military means to prevent the use of a civilian aircraft as the means of a terrorist attack);
- to guard buildings for the defence of the state;
- to supplement the work of the Czech Police or emergency services.

On the basis of the authorisation in the provisions of Section 14, the following decrees were issued:

- Government Decree No. 332/2001 Col., **on the Authorisation of Soldiers of the Army of the Czech Republic to Supplement the Work of the Czech Police in Dealing with Radiation Accidents at Nuclear Power Stations**;
- Government Decree No. 348/2001 Col., on the **Authorisation of Soldiers of the Army of the Czech Republic to Supplement the Work of the Czech Police in the Period up to 31 December 2001**.

The ban on the provision of any support (whether active or passive) to members of terrorist groups furthermore follows both from the provisions of Section 165 of the Criminal Code on the criminal act of approving a criminal act and of Section 166 of the Criminal Code on the criminal act of abetting, and also from the provisions on unreported crimes (Section 167 of the Criminal Code) and the non-obstruction of a criminal offence (Section 168). The ban on the provision of any support to entities and individuals participating in terrorist attacks also follows from the provisions of Section 260 and Section 261 of the Criminal Code, which strengthens the legal recourse against the support and promotion of movements intending to suppress basic human rights and freedoms.

There have been no crimes of a terrorist nature detected on the territory of the Czech Republic.

The Czech Republic tries to prevent terrorism through education. The general education programmes for elementary and secondary schools include the issues of terrorism and extremism. The education of foreigners and asylum seekers at elementary, secondary, and higher vocational schools is treated in a similar manner.

(b) Take the necessary steps to prevent the commission of terrorist acts, including by the provision of early warning to other States by the exchange of information.

In the Czech Republic the fight against terrorism falls within the jurisdiction of the Police Force of the Czech Republic (Act No. 283/1991 Col.). Within the framework of the Division for the Detection of Organised Crime of the Czech Police there is a department working exclusively on the fight against terrorism. The issue of terrorism falls to the competence of the Security Information Service, which also secures information on activities relating to organised crime and terrorism, whose consequences could pose a threat to the security or significant economic interests of the Czech Republic.

International co-operation by the central bodies of the Czech Republic and the appropriate intelligence and security elements is a reflection of the obligations arising from the international agreements by which the Czech

Republic is bound (including treaties on legal co-operation) and from the agreements concluded between individual security and intelligence entities.

The international co-operation of the Czech Police in the area of the fight against terrorism is oriented mainly towards the European countries and selected non-European countries. The Czech Republic communicates internationally through the Department for International Co-operation and European Integration of the Police Presidium – Interpol Prague. Since November 2000, the Czech Republic has been active as a member of the Police Working Group on Terrorism (PWGT). The Czech Police is responsible for safeguarding the security of embassies and foreign representative offices in Prague.

The Czech Republic complies with the measures adopted within the framework of the "Joint Euro-American Ministerial Declaration on the Fight Against Terrorism", accepted on the 20 September 2001 in Brussels at an exceptional session of the EU Council for Justice and the Interior. At the current time preparatory work is ongoing for the creation of the National Schengen Information System and for the engagement of the Czech Republic into the Europol system.

Within the framework of co-operation between intelligence services, a significant increase in the sharing of all relevant information in relation to both parts of the military intelligence elements has occurred. Co-operation has also been activated with the intelligence services of the NATO member states and the appropriate bodies of the Alliance.

Applicable to **the protection of civil aviation** is Act No. 49/1997 Col., on Civil Aviation and the Amendment of Act No. 455/1991 Col., on Enterprise Business (the Enterprise Act) in the wording of later regulations (hereinafter referred to as the Civil Aviation Act). According to this act, the operators of airports and aviation operators, with the exception of recreational and sporting flying, and the organisers of public aviation displays and aviation competitions are obliged to draw up a programme of protection for civil aviation against illegal acts prior to the commencement of operation. This programme is to contain measures and procedures for the protection of civil aviation and provide for their fulfilment. The programme for the protection of civil aviation against illegal acts and amendments to it are approved by the Civil Aviation Authority after discussions with other concerned state offices.

The Civil Aviation Act further states that passengers, aviation workers, and other individuals, with the exception of diplomatic couriers, who intend to enter the secure areas of an airport or airline operator, are obliged to undergo a personal inspection, an inspection of luggage and items being transported, with the exception of diplomatic post. This is aimed at detection of objects that could threaten the health or lives of individuals, damage the plane or aviation equipment, or otherwise endanger the safety of flight operations. These instructions, including responsibility, are specified in detail in the National Programme for the Protection of Civil Aviation against Illegal Acts.

The prevention of illegal acts in aviation, i.e. the hijacking of aircraft, terrorist attacks against aircraft and airports, draws from the standards and recommendations of the International Civil Aviation Organisation (Annex 17) and documents from the European Civil Aviation Commission ECAC (Doc. 30/II). The Ministry also co-operates with the US Federal Aviation Administration.

Immediately after the terrorist attack of the 11 September 2001, the following preventative measures were adopted by the civil aviation organisations:

- the guarding of important buildings and installations by the Czech Police;
- intensified checks of airport property as well as checks of passengers, their luggage and goods being shipped by air;
- exceptionally heightened controls for the check-in process;

- stricter security measures introduced by Czech Airlines (CSA), in particular for flights to Israel and North America, the introduction of escorts on routes operated by Czech carriers to high risk destinations;
- the enlargement of the applicable exclusion zone in the area of nuclear power stations and of the restricted area through which a plane can only travel with the permission of air traffic control.

In the area of postal services, a range of specific measures have been adopted with the aim of securing the protection of buildings, the safety of employees and of specifying a procedure in the securing of suspicious packages utilised, in particular, for bio-terrorism. A system of close co-operation with the bodies of the Czech Police, the State Nuclear Safety Authority and the bodies of the Customs Authority has been installed. According to Act No. 151/2000 Col., on **Telecommunications** the security bodies of the state (the Czech Police Force and intelligence services) are entitled to request from the telecommunication operators data recorded during the operation of the service in question and the authority to connect equipment for eavesdropping and the recording of telecommunication services.

(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts or provide safe havens.

According to Act No. 325/1999 Col., on Asylum, it is not possible to grant asylum in a case were there is legitimate reason to suspect that the applicant has committed a crime against peace, a war crime or a crime against humanity pursuant to the international documents containing the provisions on these crimes, or has committed, prior to the submission of the petition for the commencement of asylum proceedings, a serious non-political crime outside the Czech Republic or is guilty of acts that contravene the principles and objectives of the United Nations.

According to the Act on Asylum, a foreigner is obliged (on fulfilment of the statutory conditions) to terminate his/her stay and leave the country within 30 days of a judgement denying asylum, or a judgement of discontinuance of asylum proceedings coming into legal effect or after a judgement rescinding asylum comes into legal effect or after the delivery of a decision refusing an appeal against a judgement in an asylum case. The obligation to leave the country does not apply if the foreigner is staying on the basis of a visa or permission to stay granted according to a special legal regulation.

The Ministry of the Interior

a) keeps a record of all foreigners that have been granted an entry visa,
b) keeps a record of the place of residence declared by the participant to asylum proceedings and the asylum seeker,
c) keeps a record of foreigners who after a call from the ministry have not submitted a petition for the commencement of asylum proceedings.

The Police keeps a record of visas issued to participants in proceedings, a record of visas granted for the purpose of tolerating the stay and a record of the place of residence of participants to asylum proceedings and asylum seekers.

The Act No. 326/1999 Col., on the Residence of Foreigners, sets the **conditions for the entry of a foreigner** onto Czech territory, his/her stay there and specifies the bodies of the state administration in this area. The Act sets out the conditions for the refusal of entry, for example on the grounds that the foreigner is an undesirable person, has invalid travel documents or has travel documents that contain inaccurate data or unauthorised changes, the foreigner gives false information on the purpose of his/her stay in the Czech Republic or there are legitimate grounds to suspect that the foreigner will illegally earn money, there is a legitimate fear that the foreigner may endanger the safety of the state during his/her stay, that he/she may cause a serious breach of public order or frustrate the execution of a court or administrative judgement or that the entry of the foreigner would constitute the breach of obligations according to international agreements etc.

An undesirable person is a foreigner who cannot be permitted entry on the grounds that his/her presence in the Czech Republic could endanger the security of the state, public order, public health, or the rights and freedoms of others or a similar interest protected on the basis of an obligation arising from international agreements. The Police will designate an individual as undesirable on the basis of a court decision on deportation from the Czech Republic as a punishment or a judgement on administrative expulsion. A foreigner designated as undesirable is recorded in the file of undesirable persons.

The purpose of the punishment of deportation (Section 350b of the Criminal Code) is to prevent a foreigner who has committed a crime, and does not have refugee status, from committing any further crimes in the Czech Republic, if it is required by concerns for the safety of individuals, property, or the protection of other general interest.

Deportation refers to the revoking of the right of a foreigner to any further stay in the Czech Republic and his/her physical transfer to the territory of another state or his/her handing over to the appropriate bodies of another state. Deportation relates to the entire territory of the Czech Republic and always refers to expulsion from the Czech Republic to a foreign country. A foreign national is deported to the state of which he is a national. Individuals without statehood are deported to a state where they have relatives or property or to the state of their choice, providing this state accepts them. If the offender in question is outside the Czech Republic at the time of a deportation judgement is made then the purpose of the deportation is to prevent his/her return to the Czech Republic.

This punishment can only be applied to criminals who are not citizens of the Czech Republic and have not been granted refugee status.

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens.

Prevention of the entry and stay of undesirable persons on the territory of the Czech Republic – see 2. c)

Also relating to the mentioned issue are the obligations arising from international agreements implemented in the legal order of the Czech Republic that are directed at the elimination of the unlawful state caused by a terrorist act and the elimination of the consequences associated with it, obligations to apprehend the offender, obligations from the area of prevention, obligations from the area of the exchange of information and the co-operation of parties to agreements:

- criminal law – for the body of the crime see part 2. a); also applicable is the principle of territoriality, the principle of defence, the principle of universality embedded in the legal order of the Czech Republic, extradition and assumption of criminal prosecution. In the case that a state does not hand over a suspect to a terrorist act it is obliged, according to international treaties (irrespective as to whether the crime was committed on their territory of not), to submit the case to the appropriate bodies for the purpose of a criminal prosecution.
- The Police Act No. 283/1991 Col., in the wording of later regulations. According to Section 2 of the Act the "fight against terrorism" falls within the jurisdiction of the Czech Police Force. According to Section 42b of the Act special deployment units of the Police carry out interventions against terrorists. To undertake these tasks, the Police have a range of entitlements available – e.g. the right to detain an individual, the right to search vehicles, the right to open a flat, house or other closed space, the right to use search and surveillance equipment, the right to use coercive means, rights connected with the protection of buildings or individuals and a special arrangement for the processing and handling of personal data etc.
- Other acts: the Civil Aviation Act, the Act on the Physical Protection of Nuclear Material and Installations, the Waste Disposal Act, The Act on Chemical Substances and Chemical Preparations, the Act on Certain Measures associated with the Ban on Chemical Weapons and the Act on Firearms and Ammunition etc.

- Bilateral agreements on extradition and legal co-operation, extradition clauses to multilateral international treaties, bilateral agreements on international police co-operation (almost thirty agreements have been concluded between individual Ministries of the Interior).

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts.

The Czech legislation permits for specific crimes the imposing of an exceptional punishment (Section 29 of the Criminal Code; 15 to 25 years and life imprisonment) if the level of danger to society is very high and the task of rehabilitating the offender is especially difficult. The punishment of life imprisonment can only be applied in cases of murder according to Section 219 Paragraph 2, treason (Section 91), terror (sections 93 or 93a Paragraph 3 – taking a hostage), general endangerment (Section 179 Paragraph 3) or genocide (Section 259). Preparation, an attempt and all forms of participation (organisation, instruction and support) are considered according to the punishment scale stated for the crime committed.

- An aggravating circumstance according to Section 34 is applicable for example if an offender has committed a crime as an organiser, a member of an organised group or member of an association, if the crime caused a high level of damage, if a crime was committed by a brutal method, if it involved treachery, is especially deceitful or if the crime was committed on the basis of particularly reprehensible motives etc.
- The possibility of a conditional release and a conditional waiving of the performance on the remainder of a ban on activity or a ban on residence is impeded (after the performance of 2/3 of an imprisonment sentence or, in the case of life imprisonment, only after the serving of at least 20 years) in relation to the crimes specified in Section 62 – for example espionage, sabotage, general endangerment, endangerment of air transport and civilian craft, the hijacking of an aircraft and forcing it abroad, the unauthorised production, holding of intoxicating and psychoytopic substances and poisons, murder, the taking of a hostage and a criminal offence against peace according to Section 1 of Act No. 165/1950 Col. etc.

Within the framework of the recodification of the criminal law stricter punishments for the most serious crimes, the establishment of the crime of financing terrorism (including the legal responsibility of legal entities) and a new arrangement of crimes are being considered.

The legal order of the Czech Republic recognises the crime of terror. This crime is committed by a person who:

1. with the intention of damaging the constitutional order of the Czech Republic commits premeditated murder or attempts to do so (Section 93 of the Criminal Code), where a punishment of 12 to 15 years or an exceptional punishment is stated (an exceptional punishment is imprisonment for 15 to 20 years or life imprisonment), or
2. seizes a hostage and threatens to kill him/her or injure him/her with the aim of extorting the fulfilment of conditions damaging to the constitutional order of the Czech Republic (Section 93a Paragraph 1 of the Criminal Code). Punishments are stated according to seriousness from three to ten years of imprisonment to a scale of ten to fifteen years or an exceptional punishment.

The basic body of the crime of another group of crimes is **general endangerment**. General endangerment is considered to constitute the type of behaviour that usually carries with it a threat to life or health or the danger of a large extent of damage to property.

According to Section 179 of the Criminal Code the crime of general endangerment is committed by a person who deliberately exposes people to the danger of death or serious injury or exposes the property of others to the risk of major damage by fire, flood or the effects of explosives, gas, electricity of other similarly dangerous

materials or forces or who perpetrates similarly dangerous behaviour (general danger) or a person who increases general danger or impedes its prevention or abatement. The punishment is set at three to eight years. Qualified facts of the case relate to the committing of the crime by a member of an organised group, the repeated committing of the crime over a short period, a crime that causes serious injury or death to several people, major damage or other especially serious consequences. Also the causing of death intentionally. The punishment in this case is from twelve to fifteen years imprisonment or an exceptional punishment.

Air piracy is a specific general endangerment. Attacks against civil aviation are qualified as the crime of **endangering the safety of air transport and civil aircraft** according to Section 180a or the crime **hijacking an aircraft and forcing it abroad** according to Section 180c of the Criminal Code. The provisions of Section 180a of the Criminal Code provide greater protection to the safety of aviation against an attack of this nature than is required by the Convention on the Suppression of the Illegal Seizure of Aircraft – the Hague Convention, which only relates to the seizure of a plane during flight. The most severe punishment for this crime is from twelve to fifteen years or an exceptional punishment.

Sabotage can be committed in the form of the destruction or damage of items (Section 257 of the Criminal Code – Damage as a Criminal Matter) by which an offender, with the intention of damaging the constitutional order or the ability of the Republic to defend itself, causes material destruction or damage or renders an object unusable (Section 96 Paragraph 1 of the Criminal Code). For this crime the punishment is graded according to its seriousness. In its most serious form the offender is faced with a punishment of twelve to fifteen years imprisonment or an exceptional punishment (if such an act causes serious injury or death).

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts.

The performance of international co-operation by the Police of the Czech Republic is provided by the "Interpol Department for International Police Co-operation of the Police Presidium of the Czech Republic" (Interpol), which:

a) ensures collaboration between the departments of the police with other international organisations and foreign security units in the fight against crime with the exception of criminal activity of a military, religious, racial and political nature,

b) mediates and co-ordinates activities in dealing with the requirements of police departments for operational co-operation and the exchange of information with foreign organisations, in particular in the areas of:

- the fight against international terrorism, the illegal trade in intoxicating and psychotropic substances, international organised crime, kidnapping, the forging of money, financial crime, the illegal trade in arms, explosives, fissile and radioactive material and other serious crimes with an international element,
- securing international investigations and searches for people and objects

c) processes information on criminal activity,

d) operates an information system for the detection of the specified criminal activities and creates the conditions for the effective exchange of information on the criminal activities stated in point 1,

e) assists in the initial acts in cases pursuant to European charters and other noted international agreements by which the Czech Republic is bound and in accordance with them to secure the flow of information between the foreign side requesting it and the bodies active in criminal proceedings in the Czech Republic, as well as ensuring the tasks connected with mutual international legal co-operation in criminal matters,

f) ensures, in co-operation with foreign police and judicial bodies and the appropriate police departments, the extradition of individuals including accompaniment by escorts.

(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on the issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents.

According to Police Act No. 283/1991 Col., in the wording of later regulations (Section 20c), a police officer is entitled to inspect the travel documents of individuals crossing the state border and in the event of grounds for suspecting the committing of a crime or offence associated with the crossing of state borders he/she can inspect the individual, his/her luggage and the means of transport etc.

A police officer is entitled to detain a foreigner for the purpose of handing him/her over to the appropriate body if:

- he/she perpetrates behaviour for which it is possible to terminate his/her stay in the country or commence proceedings on administrative expulsion,
- proceedings on administrative expulsion have been commenced and the police officer determines a reason to detain the foreigner according to a special legal regulation,
- he/she is to be deported in accordance with the performance of a deportation order,
- there is reason to suspect that he/she entered the country illegally or is residing illegally.

Grounds for terminating the stay of a foreigner in the country are, in particular:

- illegal entry or illegal stay,
- deliberate endangerment of public order,
- failure to fulfil the conditions for which a visa was issued.

The possibility for the uncontrolled access and stay of foreigners in the Czech Republic, in particular from countries with a high migratory potential, is restricted administratively and by the imposition of visa restrictions. To resolve the problem of the illegal employment of foreigners in the Czech Republic, for example, a central database of foreigners is being created along with its connection to the information systems of the employment offices in the Czech Republic.

The counterfeiting and forgery of public documents (including identity cards and travel documents) and their use is punishable according to Section 176 of the Criminal Code. Documents (ID cards, passports, driving licences, documents for foreigners) are gradually being altered, are protected according to EU standards, including security elements fulfilling the requirements of Interpol, which are also accepted by the EU standards. The record of travel documents is administered in an information system operated by the Ministry of the Interior. This information system includes data on requests for the issuing of travel documents, information on lost or stolen travel documents, information on impounded travel documents, information on the refusal to issue or the withdrawal of travel documents.

- The Act No. 329/199 Col., on Travel Documents - travel documents are: the passport, diplomatic passport, service passport, travel pass and other travel document on the basis of an international agreement. A travel document must contain data on the name and surname, the day, month, year and place of birth, personal number, sex, nationality, diplomatic or service rank or grade in relation to a diplomatic or service passport, the signature of the holder, a picture of the holder, the territorial and time validity of the travel document, the document serial number, the date of issue and the name of the body that issued it. A request for the issuing of a travel document includes, as well as the above-mentioned information, extra information (e.g. family name and personal number of the holder, if this is not entered on the travel document, the address of permanent abode in the Czech Republic etc.).

3. The Security Council Calls upon all States to:

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents;

traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups and the threat posed by the possession of weapons of mass destruction by terrorist groups.

- The transfer and exchange of information – see point 2b), f).
- Altered or forged travel documents – see point 2.g).
- The installation of a system of programmable decompression chambers is being worked on at the airport, the installation of detectors for radioactive materials and sources of ionising radiation is taking place at selected border crossings.
- In the field of **information technology** (in particular the Internet), certain high risk areas have been highlighted that will need to be addressed: a) the Internet as a means of communication between terrorists, as a means for the presentation of objectives and programmes and possibly for the acquiring of funds and other supporters; b) the Internet as a means for disseminating and gaining information (a discussion forum for interest groups, web pages serve as "a terrorist handbook", the advertising of publications usable for the needs of terrorists, c) violation of the confidentiality of protected data, the integrity of this data or the accessibility of information and services from web pages by authorised users. The following preventative and security measures have been set out: the analysis of Internet data, quality intelligence information and the protection of interest information systems.
- In the area of **civil aviation**, there is permanent co-operation between the Czech Republic and the countries of Europe and North America.

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts.

The international and domestic exchange of information (see also point 2.b):

- Co-operation between police and intelligence services takes place, in particular, on the basis of Act No. 153/1994 Col., on the Intelligence Services and the Police Act No. 283/1991 Col., in the wording of later regulations. The Police Act also sets out the question of providing information from records according to special acts.
- Co-operation on an international level also takes place on the basis of bilateral agreements on international police co-operation (almost thirty have been signed between the individual ministries of the interior).
- An information system is being built and expanded that will improve communication between the individual police departments; the system works in the area of the direct analysis of criminal activity, criminals, evidence, and tactical aspects. It is anticipated that it will be enlarged to include information systems in the area of drugs, delinquents, and extremism as well as the areas of co-ordination, relations and information.
- Work is being undertaken on the establishment of a Czech Bomb Data Center within the police framework.
- The jurisdiction of the police is being expanded to include work connected with hazardous biological and other substances.

The **exchange of information on legal arrangements** takes place on the basis of the European Convention on the Provision of Information on Foreign Law and in particular on the basis of the Supplementary Protocol to the European Convention on the Provision of Information on Foreign Law (Communication No. 221-1998 Col.). The Supplementary Protocol only relates to information on criminal law. The Czech Republic proceeds on the basis of this Supplementary Protocol in judicial matters.

Co-operation in judicial matters (including matters up to the filing of charges) takes place on the basis of the European Convention on Mutual Co-operation in Criminal Matters (No. 550/1992 Col.). To date, no major problems have arisen in its application. According to available information there has yet been no case of co-operation in relation to matters relating to terrorism.

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts.

Those committing crimes with an international element are not criminally responsible according to international law but their liability for punishment is established and a punishment is imposed exclusively on the basis of the standards of individual domestic legal orders. The role of international agreements is not to punish an offender but to facilitate the performance of the domestic prosecution of offenders in the form of mutual obligations to co-operate in the given area.

Obligations arising from international agreements can be divided into five basic categories:

1. Obligations directed at the **elimination of an illegal state caused by a terrorist act** (e.g. the obligation "to initiate measures to ease the situation for a hostage, in particular to secure his/her release..." The Convention against the Taking of Hostages No. 36/1988 Col.) **and for the elimination of the consequences associated with it** (e.g. the obligation of the parties to the agreement to return a hijacked plane and its cargo to the rightful keepers – the Tokyo Convention, similarly Article 10, Paragraph 2 of the Montreal Convention). These obligations are reflected at the general level, in particular, in Act No. 283/1991 Col., on the Czech Police Force (e.g. the entitlement to forbid access to specific places (Section 20), the entitlement to use explosives and explosive devices (Section 23) and a range of entitlements in relation to detaining an offender).

2. The obligation concerning the **prosecution of offenders (aut dedere aut punire** – hand over or punish, or **aut dedere aut judicare** - hand over or pass judgement):

a) establishing control over an offender

For the fulfilment of this task, the Czech Police Force, in accordance with Police Act No. 283/1991 Col., have at their disposal a range of entitlements, for example the right to detain an individual according to Section 14, the right to confiscate weapons (Section 17), the right to examine means of transport (Section 18), the right to open a flat, house or other closed space (Section 21). Also included here is the right to use operational aids for search and surveillance (Section 23a – Section 23f) and the right to use coercive means and firearms.

b) extradition

Extradition is set out in bilateral agreements as well as multilateral conventions (e.g. the European Convention on Extradition No. 549/1992 Col., the European Convention on the Suppression of Terrorism No. 552/1992 Col., the Convention on the Suppression of Illegal Acts Endangering the Safety of Civil Aviation etc.).

c) the criminal prosecution (and punishment) of an offender

In the case that a state does not give up an alleged offender it is, in line with international conventions, obliged (irrespective as to whether the crime was committed on its territory or not) to submit the case to the relevant bodies for the purpose of a criminal prosecution. The relevant bodies are obliged to pass judgement in the same way as in the case of any other serious criminal act.

3. Obligations in the area of **prevention** (e.g. the Montreal Convention, in Article 10 Paragraph 1, states the general requirement that the parties to the agreement are to spare no effort to take all feasible measures to prevent the illegal acts set out in the convention. Similarly, for example, Article 4 of Convention No. 80/2001 Col. m.s.) is reflected in the Czech legal order in the form of Act No. 283/1991 Col., on the Czech Police Force, e.g. on authorisation in ensuring the safety of protected individuals (Section 19), the security of civil flight operations (Section 20b) or railway transport (Section 20e). This issue is also regulated by a whole range of standards that concern the protection of buildings and facilities of possible interest to terrorists, e.g. Decree No. 144/1997 Col. – on the implementation of the Atomic Act No. 18/1997 Col., on the Physical Protection of Nuclear Material and Equipment, the Civil Aviation Act No. 49/1997 Col., the Act on Waste Disposal (No. 185/2001 Col.), the Act on Chemical Substances and Chemical Preparations (No. 157/1998 Col.) and the Act on Firearms and Ammunition (No. 288/1995 Col.).

The Czech Republic is a party to agreements in the area of the **safety of civil aviation** and civil aviation safety is part of new as well as amended aviation agreements. The obligation to adhere to the standards and recommendations of the International Civil Aviation Organisation, issued on the basis of Article 37 of the

Convention on International Civil Aviation, is established in the Civil Aviation Act (Section 102 Paragraph 2). The General Assembly of the ICAO, which took place in September and October 2001 in Montreal, decided that changes will be made in Annex 17 with the requirement for the introduction of security measures for internal flights and the introduction of a system of security audits by the ICAO at individual airports. All the regulations of the ICAO and ECAC are observed.

4. The **information** obligations (information on an Act e.g. Article 2, Paragraph 2 of the New York Convention, information on the outcome of proceedings – Article 11 of the same convention, information associated with the implementation of the principle **aut dedere aut judicare** or with prevention).

5. Obligations directly **connected to co-operation among the parties to agreements**, which penetrate all the above mentioned areas.

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999.

The Czech Republic is a party to these international legal instruments with a link to the issue of international terrorism:

1) The Convention on Criminal and Certain Other Acts Committed on Board an Aircraft; adopted on 23 February1984, came into force in the Czechoslovak Socialist Republic on 23 May 1984;
2) The Convention on the Suppression of the Unlawful Seizure of Aircraft, ratified on 6 April 1972, came into force in the Czechoslovak Socialist Republic on 6 May 1972;
3) The Convention on the Suppression of Illegal Acts Against the Safety of Civil Aviation; signed on 23 September 1971, ratified on 10 August 1973, came into force in the Czechoslovak Socialist Republic on 9 September 1973;
4) The Convention on the Prevention and Punishment of Criminal Acts against Internationally Protected Persons, including Diplomatic Agents, signed 11 October 1974, came into force on 20 February 1977;
5) The European Convention on the Suppression of Terrorism, signed 13 February 1992, ratified on 15 April 1992, came into force in the Czechoslovak Federative Republic on 15 July1992;
6) The Convention against the Taking of Hostage adopted on 27 January 1998, came into force in the Czechoslovak Socialist Republic on 26 February 1998;
7) The Convention on the Physical Protection of Nuclear Material, signed on 14 September 1981, ratified on 23 April 1982, came into force on 8 February 1997;
8) The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementing the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed on 24 February 1998, ratified on 19 March 1990, came into force on 18 April 1990;
9) The Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed 1 March 1991, ratified 18 December 1991, came into force on 21 June 1998;
10) The International Convention on the Suppression of Terrorist Bombings, signed 28 July 1998, ratified 6 September 2000, came into force on 23 May 2001.

The Czech Republic has signed (but not ratified) the following international legal instruments with a link to the issue of international terrorism:

1) The International Convention for the Suppression of the Financing of Terrorism, signed on 6 September 2000. The Czech Republic is undertaking the legislative measures required for the ratification of the Convention and facilitating its fulfilment on a domestic level.
2) The UN Convention against Transnational Organised Crime, signed on 12 December 2000. The Convention is supplemented by three protocols: the Protocol against the Smuggling of Migrants by Land, Air and Sea, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components. These protocols have not yet been signed by the Czech Republic.

The Czech Republic is not a party to, and has not yet signed these international legal instruments:

1) The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation,
2) The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

With regards to the *ratione materiae* of the above mentioned agreements it has to date not appeared necessary for the Czech Republic, as a landlocked state, to become a party to them.

(e) Increase co-operation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001).

The Czech Republic fulfils the relevant international conventions and protocols concerning terrorism, which it has ratified (see 3d) including co-operation at an international level. The Czech Republic also fulfils the provisions of Security Council resolutions 1269 (1999) and 1368 (2001), including engagement in the activities of the relevant international groups and organisations.

The Government of the Czech Republic has unequivocally condemned the terrorist attack against America and it supported the declaration of the North Atlantic Council of NATO of 12 September 2001 and the subsequent decision of the North Atlantic Council of NATO of the 2 October 2001 in which, for the first time ever, the Alliance invoked Article 5 of the Washington Agreement. The Czech Republic subsequently expressed its readiness to provide support and assistance, including military, to the US Government.

The Czech Republic aligns itself with the declaration of the Council of the European Union of the 8 October 2001, in which the EU confirmed its full solidarity with the USA and supported their action against forces in Afghanistan as an act of self-defence in accordance with the UN Charter and Security Council Resolution 1368 (2001).

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commissioning of terrorist acts.

According to the provisions of Section 71, Paragraph 2 of the Asylum Act and separate legal regulations the police and intelligence services of the Czech Republic are entitled, in the fulfilment of their tasks, to access records and use the information contained in them, including personal data. This allows security elements to identify these individuals.

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organisers or facilitators of terrorist acts and that claims of political motivation are not recognised as grounds for refusing requests for the extradition of alleged terrorists.

According to Act No. 498/1990 Col., on Refugees, in the wording of later regulations, refugee status is applicable to a foreigner who has a legitimate fear that in the country of which he is a national, he will be subject to persecution on the grounds of race, religion, nationality, membership of a specific social group or for reasons of political conviction. Refugee status can also be granted to the spouse and underage children of the foreigner who has been granted refugee status according to Section 2, Paragraph 1, even if they do not fulfil the conditions stated therein.

A component of the asylum proceedings is a careful examination of the reasons and circumstances surrounding each asylum application and co-operation with the relevant bodies and services that monitor the given issue. Specifically it is established that asylum (and similarly refugee status) cannot be granted, even if the conditions for its granting have otherwise been fulfilled, if there is good reason to suspect that the foreigner who filed for the commencement of asylum proceedings a) has committed a crime against peace, a war crime or a crime against humanity in accordance with international documents containing provisions on these crimes, b) has

committed, prior to filing for the commencement of asylum proceedings, a serious non-political crime outside the country, or c) is guilty of acts that contravene the principles and aims of the United Nations.

The Act also states examples where refugee status is to be rescinded ex lege or where it is possible to rescind refugee status, for example the refugee commits a premeditated crime or repeatedly and intentionally threatens public order or where a judgement on the granting of refugee status was issued on the basis of inaccurate or incomplete information etc.